

Proposed JLC Initiative

Standardization for Service Dog Training and Certification

Proposal:

Request the Commonwealth of Virginia consider the establishment of statutes governing the oversight of service dogs' organizations and trainers, and the standardization of training and certification for service dogs provided to veterans.

What Is a Service Dog?

A service dog helps a veteran with a disability lead a more independent life. According to the Americans with Disabilities Act (ADA), a service dog is “a dog that is individually trained to do work or perform tasks for a person with a disability.”

“Disability” is defined by the ADA as a physical or mental impairment that substantially limits one or more major life activities, including people with history of such an impairment, and people perceived by others as having such an impairment. The ADA prohibits discrimination on the basis of disability in employment, state and local government, public accommodations, commercial facilities, transportation, and telecommunications.

A service dog is trained to take specific action that helps mitigate an individual's disability. The task the dog performs is directly related to their person's disability.

For example, mobility dogs assist individuals who use wheelchairs or walking devices or who have balance issues. Psychiatric service dogs assist individuals with disabilities such as obsessive-compulsive disorder, post-traumatic stress disorder, schizophrenia, and other conditions. Examples of work performed by psychiatric service dogs could include entering a dark room and turning on a light to mitigate stress-inducing condition, interrupting repetitive behaviors, and reminding a person to take medication.

In addition to socialization and basic obedience training, a service dog must be trained to perform work or specific tasks to assist with a disability. Under ADA rules, in situations where it is not obvious that a dog is a service animal, only two questions may be asked: (1) is the dog a service animal required because of a disability? and (2) what work or task has the dog been trained to perform? The reply to question (2) must affirm that the service dog has been trained to take specific action when needed to assist a person with a disability.

Discussion.

Demand for service dogs has exploded in recent years as dogs have proved adept at helping veterans with a growing range of disabilities. While dogs once served primarily people with

vision or mobility impairments, they now help people with autism, diabetes, seizures and psychiatric disorders. That has overwhelmed nonprofit service dog trainers, who generally donate dogs to patients for at most a small application fee. However, some organizations require the veterans and/or their family to pay hefty price tags to obtain a service dog.

For most nonprofits who are training and placing service dogs to help veterans with ailments from PTSD and mobility challenges, a trained dog can cost up to \$40,000 to \$50,000, and the veterans insurance nor the Department of Veterans Affairs won't cover it.

The Epidemic of Fake Service Dogs.

Rapid growth, however, has come with little oversight, potentially subjecting people who have complex medical issues to huge financial barriers, poorly trained dogs and outright fraud. The pitfalls are only aggravated by social media, including fundraising sites like GoFundMe that allow families to meet pricing thresholds they wouldn't be able to afford on their own. The flourishing market emboldens trainers to charge more for their services, confident that the funds will be donated.

"It's so easy to defraud people over the internet. There's a lot of money to be made here," said David Favre, a Michigan State University law professor specializing in animal law. "It's never been controlled, and it's gotten worse."

In 2018, for example, Virginia's attorney general filed a lawsuit alleging that a company named Service Dogs by Warren Retrievers charged families up to \$27,000 a dog but often delivered "poorly-trained puppies with significant behavioral issues and inadequate skills or training." The trainer settled the lawsuit last year for \$3 million and is now out of business.

In 2020, North Carolina's attorney general filed a similar suit against the owner of Ry-Con, a nonprofit service dog trainer. The suit alleged that Ry-Con charged families up to \$16,710 per dog even though it knew the dogs weren't adequately trained. That company is also out of business.

Federal laws provide special accommodations to the disabled and limit the questions that may be asked about disabilities. Unfortunately, too often these laws are abused by people who fraudulently misrepresent their dogs as service animals. This harms the truly disabled, confuses the public, and affects the reputation of legitimate service dog users. Even worse, a poorly-trained fake service animal can be a danger to the public and to real service dogs.

Many state and local governments share this concern and have introduced laws that make it an offense to misrepresent a service animal. As of May 2022, the American Kennel Club Government Relations team has been tracking more than 150+ laws related to this matter since 2016. The Commonwealth of Virginia is one of the states with laws against an individual who falsely represents their dog as a "service dog" in public.

Call to Action.

The Commonwealth of Virginia should look into development of a standardized training and certification program for all organizations, both for-profit and non-profit, who profess to provide “service dogs”, especially those organizations providing “service dogs” to veterans.

A charitable not-for-profit organization doing business within the Commonwealth, could be utilized as the central point to provide the “Proof of Concept” for development and execution of the Standardization Program for Service Dogs for Veterans. This organization could work within the Department of Veterans Services. They could coordinate efforts with other major service dog groups, service dog access providers, advocates for the disabled, service dog trainers, and policymakers seeking to improve access for legitimate service dog teams while incentivizing high-quality behavioral standards for all service dogs and educating the public about the crime of service dog fraud.

In 2016, the Association of Service Dog Providers for Military Veterans created “Canine Good Citizen Plus” a minimum standard for training and behavior for the service dogs their members provide to veterans. CGC Plus requires dogs to pass the AKC Canine Good Citizen, Community Canine, and Urban CGC tests, plus demonstrate proficiency in performing three randomly selected specific services for a disabled person. Assistance Dogs International (ADI) has also outlined minimum standards of training and behavior expected of a service dog that could be used as a guideline for Virginia’s standardized training program.

Service dogs are more than pets and more than companions. The important work they do enhances independence for our veterans with physical, cognitive, and developmental disabilities, and improves the everyday lives of thousands of people across the country.

This proposal is to request the Commonwealth of Virginia establish an office within the Department of Veteran Services to review current policies and procedures for the training and placement of Service Dogs with Veterans within the Commonwealth, to investigate their training and to perform oversight for the standardization and certification of Service Dogs provided to these deserving veterans dealing with mental and/or physical challenges to ensure all Service Dogs are capable of providing these needed services.